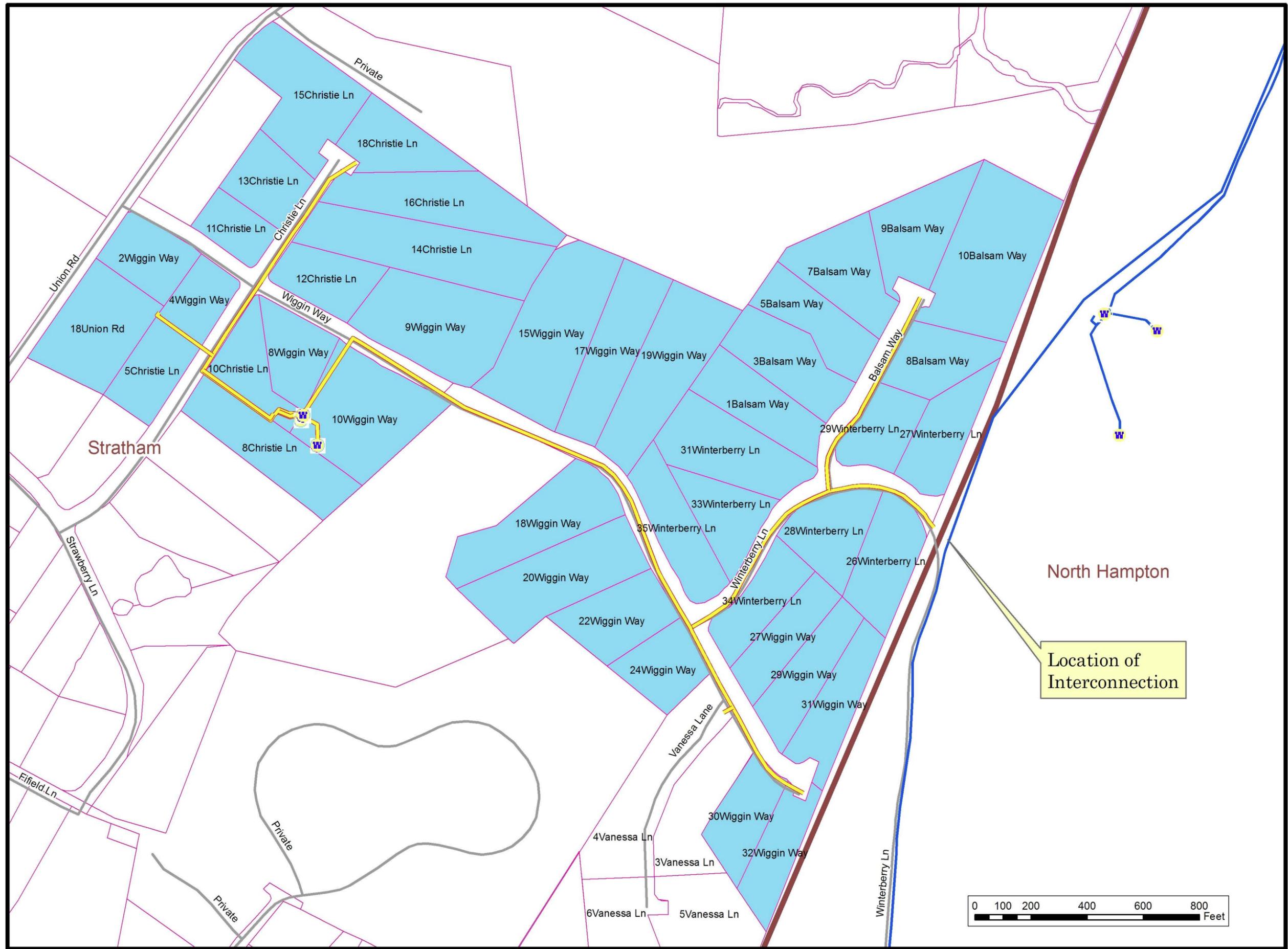


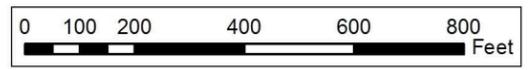
# Wiggin Way System Map



**Legend**

- Wells
- Water Mains**
- Aquarion
- Wiggin Way
- Parcels**
- Other
- Wiggin Way

Location of Interconnection



13-April-2017



The State of New Hampshire  
**Department of Environmental Services**



**Clark B. Freise, Assistant Commissioner**

Wiggin Way Home Owners Association  
Attn: Stephen Cook, Vice President  
55 Bunker Hill Avenue  
Stratham, NH 03885

Aquarion Water Company of New Hampshire, Inc.  
Attn: Carl McMorran, Operations Manager  
7 Scott Road  
Hampton, NH 03842

Re: Wiggin Farm water system  
Stratham, NH - PWS ID #2232180

**ADMINISTRATIVE ORDER  
No. 17-006 WD**

March 29, 2017

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Water Division, to Wiggin Way Home Owners Association and Aquarion Water Company of New Hampshire, Inc. under the authority of RSA 485:4, II, and RSA 485:58. This Administrative Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Water Division, is a duly-constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive in Concord, New Hampshire.
2. Wiggin Way Home Owners Association ("Wiggin Way HOA") is an association of homeowners in the Wiggin Farm and Winterberry subdivisions in Stratham, New Hampshire; having a mailing address of c/o Stephen Cook, 55 Bunker Hill Avenue, Stratham, NH 03885.
3. Aquarion Water Company of New Hampshire, Inc. ("Aquarion") is a New Hampshire corporation having a mailing address of 7 Scott Road, Hampton, NH 03842.

**C. STATEMENTS OF FACTS AND LAW**

1. RSA 485 authorizes the Department of Environmental Services ("DES") to regulate public water supplies. The Commissioner of DES has adopted NH CODE ADMIN. RULES Env-Dw 100 *et seq.* (the "Drinking Water Rules") to implement this program per RSA 485:2, V.
2. RSA 485:I-a, XV, defines "[p]ublic water system" to mean "a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year."

3. RSA 485:1-a, I, defines “[c]ommunity water system” to mean a public water system (“PWS”) “which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.”
4. Wiggin Way HOA owns and operates a community water system that serves 43 single-family homes, and about 108 residents, located near Union Road and Christie Lane in Stratham, New Hampshire (the “Water System”). Stephen Cook is the primary contact for issues related to the Water System. Pennichuck Water Service Corporation employs the certified operator for the Water System.
5. The Water System is a community water system as defined in RSA 485:1-a, I.
6. Env-Dw 405.12(a), and its predecessor rule in Env-Ws 300, require that minimum total source capacity for community water systems “shall be not less than 2 times the design flow of the water system based on a 24-hour day.”
7. Env-Dw 405.10, and its predecessor rule in Env-Ws 300, set the design flow for single family homes at 150 gallons per day (“gpd”) per bedroom.
8. As originally approved in 1999, the Water System was constructed to serve 45 four-bedroom homes using water from three bedrock wells (“BRW1,” “BRW2,” and “BRW3”). DES calculated the design flow for the Water System to be 27,000 gpd, or 18.75 gallons per minute (“gpm”). DES calculated the minimum total source capacity of the Water System to be 54,000 gpd, or 37.5 gpm.
9. RSA 485:1-a, VII, defines “[m]aximum contaminant level” (“MCL”) to mean “the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from the definition.”
10. Env-Dw 704.02 sets the current MCL for the inorganic contaminant arsenic in drinking water at 0.010 milligrams per liter (“mg/L”).
11. Env-Dw 711.05 requires the PWS owner to collect a confirmation sample if the concentration of a regulated inorganic in a representative sample is greater than or equal to 50% of the applicable MCL, subject to certain exceptions. One exception is that if results from the sampling point or the contributing sources have historically demonstrated the presence of that regulated inorganic, then a confirmation sample is not required, but the monitoring frequency for the approved sampling point is increased to quarterly for that regulated inorganic.
12. For a system at which regulated inorganics are monitored at a frequency greater than annually, Env-Dw 711.07(a) requires DES to determine compliance with the MCL specified in Env-Dw 704 using a running annual average as defined in Env-Dw 103.
13. Env-Dw 103.47, defines “[r]unning annual average” (“RAA”) to mean “a calculation made to determine compliance with an MCL where all water quality data taken within a one-year period are averaged and that number compared to the respective MCL, in which the average is recalculated by considering each new data point and dropping from consideration those data points that are more than one year old.”

14. Env-Dw 711.07(b) establishes that a PWS is deemed out of compliance if DES determines that the RAA at any sampling point is greater than the MCL specified in Env-Dw 704.
15. In January 2004, the arsenic MCL, established in Env-Ws 314.01(now Env-Dw 704.02), was lowered from 0.050 mg/L to 0.010 mg/L. Compliance with the new arsenic MCL was required by January 22, 2006.
16. On December 21, 2004, DES sent a letter to Wiggin Way HOA to notify it that recent samples collected from the Water System and analyzed for arsenic were above the new arsenic MCL, and that compliance with the new arsenic MCL was required by January 22, 2006.
17. On August 31, 2005, Wiggin Way HOA collected a sample from the Water System and had it analyzed for all regulated inorganic contaminants, including arsenic. The test results showed an arsenic concentration of 0.008 mg/L.
18. On September 29, 2005, DES sent a letter to Wiggin Way HOA to notify it that the Water System's sampling schedule for arsenic was being increased to quarterly based on the results of the sample collected on August 31, 2005, being greater than 50% of the arsenic MCL.
19. Wiggin Way HOA collected a sample for arsenic monitoring from the designated sampling site at the Water System in the first quarter of 2010 ("Q1-2010"). The test results showed an arsenic concentration of 0.011 mg/L, and a running annual average of 0.011 mg/L, which exceeded the MCL. As a result, on February 5, 2010, DES issued a Notice of Violation ("NOV") to Wiggin Way HOA that identified the violation.
20. Wiggin Way HOA collected a sample for arsenic monitoring from the designated sampling site at the Water System in Q2-2010. The test results showed an arsenic concentration of 0.008 mg/L, and a running annual average of 0.011 mg/L, which exceeded the MCL. As a result, on June 4, 2010, DES issued an NOV to Wiggin Way HOA that identified the violation.
21. On June 10, 2010, Pennichuck notified DES that it would "reduce/restrict the flow rate from the well with the highest concentration of arsenic" serving the Water System.
22. On February 16, 2012, Pennichuck notified DES that BRW3 had been offline since 2010, and requested that the sampling location description be revised on the Water System's Master Sampling Schedule.
23. On March 15, 2012, Pennichuck notified DES that BRW3 had recently been physically disconnected from the Water System.
24. In response to the February and March 2012 communications, DES changed the description of the sampling location in the Master Sampling Schedule for the Water System to remove BRW3.
25. Env-Dw 304.08 requires that a PWS notify DES no later than two business days after any bulk water is delivered to customers.
26. On July 15, 2012, the Water System received a 9,000 gallon bulk water delivery. On the bulk water delivery notification form submitted to DES, the reason given for delivery was *no water in atmospheric tank* and that there was *a supply/demand issue*.

27. On May 28, 2015, the Water System received a 7,000 gallon bulk water delivery. On the bulk water delivery notification form submitted to DES, the reason given for delivery was *low well production/no water in system*.

28. On June 1, 2015, DES staff spoke with the certified operator for the Water System, who stated that the Water System had run out of water at some point during the summer during each of the last three years, but that Wiggin Way HOA had not instituted any outdoor watering bans.

29. Env-Dw 503.13 requires the owner of a PWS to promptly repair and fully maintain the operational readiness of the system.

30. Env-Dw 503.18 requires the owner of a water system to review, periodically as needed, the sources and treatment of the water supply in relationship to customer demand, for the purpose of ensuring that the system can meet its obligations to customers.

31. Env-Dw 503.20 requires the owner of a water system whose water demand exceeds supply for more than 30 days to implement water use restrictions, inform DES in writing of any actions taken or directed to restrict customer demand within three days, and submit a plan to permanently correct the problem to DES within 60 days.

32. On July 15, 2015, DES sent a Notice of Violation ("2015 NOV") to Wiggin Way HOA. In the 2015 NOV, DES noted the lack of well production and requested Wiggin Way HOA to immediately implement water use restrictions and submit to DES a plan to permanently correct the lack of water supply within 60 days of the date of the 2015 NOV.

33. On July 30, 2015, DES received a memo from Wiggin Way HOA in response to the 2015 NOV. In the memo, a board member asserted that all homeowners were advised of an outdoor watering ban on May 29, 2015, and that the ban would remain in effect for the summer. In the memo, Wiggin Way HOA also informed DES that it was working with Pennichuck to reactivate BRW3, and install arsenic treatment. Wiggin Way HOA stated that a written plan would be submitted to DES within 30 days.

34. DES did not receive a written plan from Wiggin Way HOA in August 2015.

35. By e-mail dated September 3, 2015, DES reminded Wiggin Way HOA of its request that Wiggin Way HOA submit to DES a plan to permanently correct the lack of water supply within 60 days of the date of the NOV.

36. On September 14, 2015, DES received a memo from Wiggin Way HOA in further response to the 2015 NOV. In the memo, Wiggin Way HOA suggested that reactivation of BRW3 may resolve the source capacity issues. Wiggin Way HOA also informed DES that it had a meeting scheduled with Aquarion the following week to discuss the costs and other issues associated with connecting to the PWS owned and operated by Aquarion.

37. Aquarion owns and operates a community water system with approximately 8,100 service connections serving about 23,000 residents of Hampton, North Hampton, and Rye. The Aquarion community water system expands each summer to approximately 8,900 service connections serving about 54,200 residents and visitors.

38. On September 29, 2015, the Wiggin Farm Water System received two 8,000 gallon bulk water deliveries. On the bulk water delivery notification forms submitted to DES, the reason given for deliveries was *low atmospheric tank level*.

39. In an e-mail dated October 30, 2015, DES received a memo from Wiggin Way HOA to update DES on the proposed solution to connect to the Aquarion PWS. Wiggin Way HOA, Aquarion, and the Town of Stratham met in September to discuss the costs associated with interconnection. On October 17, 2015, Wiggin Way HOA voted to connect to the Aquarion PWS. In its memo to DES, Wiggin Way HOA provided a schedule for completion of interconnection by March 31, 2016, weather permitting.

40. DES approved the schedule for interconnection with Aquarion, and notified Wiggin Way HOA of the approval by reply e-mail dated October 30, 2015.

41. On November 12, 2015, representatives of DES, Wiggin Way HOA, and Aquarion attended a meeting of the Stratham Public Works Commission to discuss the proposal for Aquarion to provide water to the residents of the Wiggin Farm and Winterberry subdivisions. The commission voted to recommend supporting a limited franchise, and to pursue a joint filing by the Town of Stratham, Aquarion, and Wiggin Way HOA with the New Hampshire Public Utilities Commission ("PUC").

42. By e-mail dated November 30, 2015, Wiggin Way HOA notified DES that Aquarion was scheduling the PUC review.

43. By e-mail dated January 3, 2016, Wiggin Way HOA notified DES that it was meeting with Aquarion to supply any remaining information needed, and to finalize plans for interconnection.

44. By e-mail dated January 13, 2016, Wiggin Way HOA notified DES that its representatives had met with Aquarion and the Stratham Town Administrator to develop a list of remaining steps for interconnection, including obtaining DES approval of the assumption of the Water System by Aquarion, approval from the Town of Stratham Select Board, and the joint filing with the PUC requesting to expand the service area of Aquarion into Stratham to provide water to the residents of the Wiggin Farm and Winterberry subdivisions.

45. On January 25, 2016, Aquarion contacted DES to determine what information DES needed in order to approve the interconnection. DES provided an answer to Aquarion on the same day.

46. By e-mail dated January 27, 2016, DES received a letter from Aquarion regarding the interconnection. In its letter, Aquarion proposed the steps that it would take to acquire the assets of the Water System, and provide water to the residents of the Wiggin Farm and Winterberry subdivisions. In the letter, Aquarion characterized the additional water demand from the residents of the Wiggin Farm and Winterberry subdivisions as an "insignificant increase" to Aquarion's PWS. Aquarion updated DES on the transition process, and assured DES that all expenses related to future operations, maintenance, and capital improvements for the Water System, once interconnected, would be Aquarion's responsibility.

47. By e-mail dated February 5, 2016, DES requested Aquarion to provide some additional information about the process for interconnection within 30 days.

48. By e-mail dated February 29, 2016, Aquarion provided to DES plans and specifications for the connection of the Water System to Aquarion's PWS.

49. By e-mail dated March 29, 2016, DES notified Aquarion and Wiggin Way HOA that it approved an extension of the March 31, 2016 completion date for interconnection. DES suggested a new completion date of June 3, 2016.

50. In a letter sent by e-mail dated April 4, 2016, DES notified Aquarion of its approval of the interconnection plan, subject to PUC approval of Aquarion's proposed expansion into Stratham, New Hampshire.

51. Wiggin Way HOA collected a sample for arsenic monitoring from the designated sampling site at the Water System in Q1-2016. The test results showed an arsenic concentration of 0.0127 mg/L, and a running annual average of 0.011 mg/L, which exceeded the MCL. As a result, on February 22, 2016, DES issued an NOV to Wiggin Way HOA that identified the violation.

52. On May 23, 2016, the Water System received a 7,000 gallon bulk water delivery. On the bulk water delivery notification form submitted to DES, the reason given for delivery was that *the storage tanks were empty*.

53. By e-mail dated June 1, 2016, DES notified Aquarion and Wiggin Way HOA that it approved an extension of the June 3, 2016 completion date to allow more time to complete the interconnection. DES suggested a new completion date of August 31, 2016.

54. Wiggin Way HOA collected a sample for arsenic monitoring from the designated sampling site at the Water System in Q2-2016. The test results showed an arsenic concentration of 0.0126 mg/L, and a running annual average of 0.011 mg/L, which exceeded the MCL. As a result, on April 29, 2016, DES issued an NOV to Wiggin Way HOA that identified the violation.

55. On July 25, 2016, the Water System received a 7,000 gallon bulk water delivery. On the bulk water deliver notification form submitted to DES, the reason given for delivery was *low well production, low atmospheric tank*.

56. By e-mail dated July 26, 2016, Wiggin Way HOA requested DES assist with approval of an emergency connection to the Aquarion PWS, due to the lack of source capacity of the Water System.

57. In a letter sent by e-mail dated July 27, 2016, DES informed Wiggin Way HOA that a temporary connection to the Aquarion PWS on an emergency basis was approved, as a supplemental source for the Water System, due to the lack of source capacity of the Water System. In the letter, DES noted that authorization for the temporary connection would expire on September 15, 2016.

58. On July 29, 2016, Aquarion began supplying drinking water to the Water System on a temporary emergency basis to supplement to the source wells serving the Water System.

59. By e-mail dated August 24, 2016, DES notified Aquarion and Wiggin Way HOA that it approved an extension of the August 31, 2016 completion date to allow more time to complete the interconnection. DES suggested a new completion date of December 31, 2016.

60. On August 24, 2016, Aquarion notified DES that the towns of Hampton and North Hampton opposed the permanent interconnection of the Water System to the Aquarion PWS.

61. On September 15, 2016, Aquarion disconnected the temporary connection to the Water System.
62. Wiggin Way HOA collected a sample for arsenic monitoring from the designated sampling site at the Water System in Q3-2016. The test results showed an arsenic concentration of 0.0107 mg/L, and a running annual average of 0.011 mg/L, which exceeded the MCL. As a result, on October 4, 2016, DES issued an NOV to Wiggin Way HOA that identified the violation.
63. On October 21, 2016, Aquarion notified DES that it was abandoning the process of acquiring the Water System due to the strong opposition expressed by the towns of Hampton and North Hampton.
64. Wiggin Way HOA collected a sample for arsenic monitoring from the designated sampling site at the Water System in Q4-2016. The test results showed an arsenic concentration of 0.0101 mg/L, and a running annual average of 0.011 mg/L, which exceeded the MCL. As a result, on November 3, 2016, DES issued an NOV to Wiggin Way HOA that identified the violation.
65. By e-mail dated November 3, 2016, DES requested that Wiggin Way HOA submit a new plan to permanently correct the source capacity issues of the Water System. DES requested Wiggin Way HOA to submit the plan to DES by December 16, 2016.
66. By e-mail dated November 4, 2016, Wiggin Way HOA notified DES that it would provide a new plan by December 16, 2016, and reported that they were working with Pennichuck to reactivate BRW3 and install arsenic treatment.
67. Based on the 2016 quarterly arsenic MCL violations, DES issued Letter of Deficiency ("LOD") No. DWGB 16-084 dated November 7, 2016 to Wiggin Way HOA. In LOD #DWGB 16-084, DES recounted the violations and requested Wiggin Way HOA to retain the services of a qualified consultant to address the water quality violations, submit to DES the consultant's report for review and approval, and take corrective actions as approved by DES.
68. By e-mail dated December 7, 2016, Wiggin Way HOA responded to LOD #DWGB 16-084. In its response, Wiggin Way HOA notified DES that it had retained Pennichuck to explore reactivation of BRW3. Wiggin Way HOA also noted that it was working with DES to schedule a meeting with Aquarion and representatives of Hampton, North Hampton, and Stratham, to discuss selling the Water System to Aquarion.
69. On January 16, 2017, the Water System received a 7,000 gallon bulk water delivery. On the bulk water deliver notification form submitted to DES, the reason given for delivery was *low atmospheric tank*.
70. On January 17, 2017, the Wiggin Farm Water System received a 7,000 gallon bulk water delivery. On the bulk water deliver notification form submitted to DES, the reason given for delivery was *low atmospheric tank level* and that there might have been *a leak in the well line*.
71. By e-mail dated January 17, 2017, Wiggin Way HOA notified DES that it received bulk water deliveries on January 16<sup>th</sup> and 17<sup>th</sup>, because BRW1 stopped producing water on January 13, 2017.
72. On January 18, 2017, representatives of DES, Wiggin Way HOA, and Aquarion attended a meeting of the North Hampton Water Commission with representatives of the towns of Hampton and North Hampton to discuss concerns with Aquarion providing water to the residents of the

Wiggin Farm and Winterberry subdivisions. During the meeting, the town of Hampton stated its opposition to Aquarion's proposed expansion of service into Stratham.

73. In a letter sent by e-mail dated January 23, 2017, DES conditionally approved the emergency connection of BRW3 to the Water System to increase the source capacity of the Water System for 90 days. In its approval letter to Wiggin Way HOA, DES noted that the approval was subject to distribution of public notice to all residents, to include information on the health effects of arsenic in drinking water. DES also noted its approval was subject to the following conditions: (1) Wiggin Way HOA will submit to DES arsenic treatment plans and specifications by February 23, 2017, and (2) Wiggin Way HOA will install arsenic treatment in the Water System, as approved by DES, by April 24, 2017.

74. Wiggin Way HOA immediately brought BRW3 online to supply water to the Water System.

75. By e-mail dated January 30, 2017, Wiggin Way HOA notified DES that BRW1 and BRW2 were producing water at 3-4 gpm combined, and that BRW3 was producing water at 20 gpm.

76. Wiggin Way HOA collected a sample for arsenic monitoring from the designated sampling site at the Water System in Q1-2017. The test results showed an arsenic concentration of 0.0185 mg/L, and a running annual average of 0.013 mg/L, which exceeded the MCL. As a result, on March 23, 2017, DES issued an NOV to Wiggin Way HOA that identified the violation.

77. RSA 485:4, II, requires that upon complaint of not less than 10 customers of an existing PWS, DES shall make an investigation of conditions regarding water quality or quantity problems described in the complaint.

78. In February 2017, DES received over 30 complaints from residents served by the Water System, complaining of high arsenic in their drinking water, and insufficient water supply.

79. RSA 485:4, I, empowers DES to investigate the sanitary conditions and methods pertaining to the source, treatment, and distribution of all public water supplies for domestic use, and to require the application of any treatment or improvement in conditions and methods as DES may deem necessary to insure fitness and safety and adequate protection of the public health. If DES determines that improvements are necessary, the municipality, corporation, or person shall be so notified in writing and the requirements so ordered shall be effected within a reasonable time to be fixed by DES.

80. RSA 485:4, II, provides that if DES determines that (1) an extension of water service from an existing public water supply system to the area of impaired water quality or quantity is the most feasible and cost-effective alternative; (2) the extension is consistent with municipal master planning, local water system policies and rules, RSA 9-B, and RSA 162-C:2, V; and (3) the existing PWS has adequate water supply and system capacity to serve the problem area, DES shall order the municipality, corporation, or person who owns the PWS to allow connection to its water distribution system from the identified area, regardless of existing municipal or PWS service area boundaries.

81. Based on information received by DES, the estimated cost of additional well siting and permitting, capital costs of installing treatment, and on-going maintenance and operations of the Water System using current or additional source wells is approximately three times the estimated cost of connecting the Water System to the Aquarion PWS.

82. Based on information regarding Aquarion's capacity to provide water, DES has determined that Aquarion has adequate water supply and system capacity to serve the residents of the Wiggin Farm and Winterberry subdivisions without adversely affecting its existing customers.

83. Based on the costs and Aquarion's capacity, DES has determined that allowing the residents of the Wiggin Farm and Winterberry subdivisions to connect the Water System to Aquarion's water distribution system is the most feasible and cost-effective option to address the Water System's arsenic and low water quantity issues.

#### D. DETERMINATION OF VIOLATIONS

1. Wiggin Way HOA has violated Env-Dw 405.12(a), by failing to meet the required total source capacity for the Water System.
2. Wiggin Way HOA has violated Env-Dw 503.13, by failing to promptly repair and fully maintain the operational readiness of the Water System.
3. Wiggin Way HOA has violated the arsenic MCL established in Env-Ws 314.01(now Env-Dw 704.02) and is deemed out of compliance per Env-Dw 711.07 based on the running average arsenic levels exceeding the arsenic MCL during five consecutive quarters from Q1-2016 through Q1-2017, inclusive.

#### E. ORDER

Based on the above findings and determinations, DES hereby orders Wiggin Way HOA and Aquarion as follows:

1. Aquarion shall immediately seek PUC approval to allow the temporary connection of the Water System to its water distribution system on an emergency basis.
2. Upon Aquarion's receipt of PUC approval for the temporary connection, Wiggin Way HOA shall immediately connect the Water System to the Aquarion water distribution system on a temporary emergency basis and Aquarion shall allow the temporary connection per RSA 485:4, II.
3. **Within 30 days of the date of this Order**, Wiggin Way HOA and Aquarion shall meet with representatives of the Town of Stratham to develop a list of remaining steps for permanent interconnection, including obtaining approval from the Stratham Select Board, and filing a request with the PUC to expand the service area of Aquarion into Stratham to provide water to the residents of the Wiggin Farm and Winterberry subdivisions.
4. Wiggin Way HOA and Aquarion shall complete the remaining steps required for permanent interconnection, as soon as possible after the meeting held pursuant to E.3.
5. **Within 45 days of the date of this Order and every 15 days thereafter**, Wiggin Way HOA shall report to DES in writing the status of progress towards permanent connection to the Aquarion water distribution system.
6. **Within 60 days of receiving PUC approval** to expand the service area of Aquarion into Stratham to provide water to the residents of the Wiggin Farm and Winterberry subdivisions, Wiggin Way HOA shall permanently connect the Water System to Aquarion's water distribution system and Aquarion shall allow the permanent connection per RSA 485:4, II.

7. Wiggin Way HOA and Aquarion shall send **all** correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

DES Water Division, Drinking Water and Groundwater Bureau  
Attn: Leah McKenna, Enforcement Supervisor  
P.O. Box 95, Concord, NH 03302-0095  
Fax: (603) 271-3490  
E-mail: [leah.mckenna@des.nh.gov](mailto:leah.mckenna@des.nh.gov)

#### F. APPEAL

Any person aggrieved by this Order may appeal the Order to the N.H. Water Council (“Council”) by filing an appeal that meets the requirements specified in RSA 21-O:14 and the rules adopted by the Council, Env-WC 100-200. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council.

Information about the Council, including a link to the Council’s rules, is available at <http://nhec.nh.gov/> (or more directly at <http://nhec.nh.gov/water/index.htm>). Copies of the Council’s rules also are available from the DES Public Information Center at (603) 271-2975.

#### G. OTHER PROVISIONS

Please note that RSA 485:58 provides for administrative fines, civil penalties, and/or criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Respondents remain obligated to comply with all applicable requirements, in particular RSA 485 and the Drinking Water Rules. DES will continue to monitor compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Rockingham County Registry of Deeds so as to run with the land.

**COPY**  
  
Clark B. Freise, Assistant Commissioner  
Department of Environmental Services

cc: DES Legal Unit

cc: Public Information Officer, DES PIP Office  
K. Allen Brooks, Chief, AGO-Environmental Protection Bureau  
Stratham Select Board & Health Officer  
Leah McKenna, DES Water Division, Drinking Water and Groundwater Bureau  
Pennichuck Water Service Corporation  
USEPA, Region 1